

Ellen Taylor

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Petrolia, Ca. 95558

I- 002798

Mr. Bruce Halstead
U.S. Fish & Wildlife Service
1125 16th Street
Arcata, Ca. 95521

Dear Mr. Halstead:

Re: PERMIT # PAT 828950-1157

I am writing to offer comments on MAXXAM Corporation's Habitat Conservation Plan and Sustained Yield Plan. I am writing on my own behalf and as spokesperson for the Lost Coast League.

In the first capacity, I have a stake in this process. I own a 240-acre ranch at the mouth of the Mattole river, overlooking the estuary. I have in years past lost several acres of valuable bottom land as a result of destructive logging upstream with consequent siltation and flooding. I am a 56-year-old physician-assistant who works in Redway and Eureka, and I have lived here in the Mattole for 25 years. I have watched apprehensively as the river has become shallower. This summer it almost went underground in a couple of places. In the fall of 1996 when the mouth of the river opened I watched in horror as a number of large salmon became stranded on bars of silt which blocked passage upstream. We were only able to save one. I was alarmed when the predatory MAXXAM Corporation seized Pacific Lumber Company in 1985, and this alarm increased as I watched the cut tripled on their forests. As a property owner and as a member of a community whose economic vitality depended to a large extent on the commercial and sports fishing industry, I dreaded the moment when MAXXAM would turn its eyes on its 3000 acres of unentered ancient Doug fir forest, which has remained, largely due to its inaccessibility, clinging to and stabilizing the precipitous, storm-battered, earthquake-shaken slopes of the Mattole's two largest tributaries, the Upper and Lower North Forks. Over the last decade, as MAXXAM has filed one THP after another in the Mattole, consonant with its intentions now expressed in the HCP/SYP to clearcut this watershed, I have been obliged to use most of my available time writing comment letters to CDF, to other agencies appealing for intervention, and ultimately engaging in lawsuits. I have spent more than \$50,000, fighting MAXXAM's depredations, and I am not rich. I have nearly had a tree dropped me and been chased by highly wired loggers while attempting to prevent treecutting on an illegal timber harvest plan. I have been thrown in jail

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twice and forced to raise \$5000 bail. I mention all this to illustrate that MAXXAM's practices, plans and projections have an incremental adverse impact on me personally. Sediment precipitated by MAXXAM's timber harvesting further threatens my property, as a shallow, sediment-filled river is more likely to flood. It threatens the economic and spiritual health of my community, dependent as it is on wildlife and riverine beauty for the tourist and sportfishing industries. And struggling against it has sapped my time and resources.

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Secondly, I wish to comment as a spokesperson for the Lost Coast League, which has membership all over the country and is active in the defense of Public Trust values in this area. First I would like to ask some general questions. MAXXAM in several places in the HCP defends timber-harvesting as the preferred alternative on its lands because it is zoned TPZ, Timber Production Zone. But is there anything inviolable or immutable about the zoning? It was probably zoned in a blanket fashion, without much consideration to peculiarities of bioregion, wildlife or mass wasting risk. Do you agree that there are many places on MAXXAM property which should not be zoned TPZ? Do you think social values have changed since this zoning was established? Do you think the rule often quoted by MAXXAM that "timber harvesting in itself shall not be held to constitute a nuisance" should be interpreted more cautiously, as our awareness has expanded into a realization of the interconnectedness of factors affecting the health of the natural world? Are you truly intimidated by Charles Hurwitz's threat of a takings lawsuit, when he must have known when he seized Pacific Lumber that he was buying what was already redefined as precious natural heritage and not trillions of board feet? Lastly, do you accept the HCP statement that MAXXAM is not in the business of restoration, and should not be obligated to rehabilitate what former logging practices have destroyed? Does it not follow from this interpretation of stewardship that lands owned by this corporation will continue to deteriorate? For example, many watercourses which cross MAXXAM's property have streambeds so wide, so sedimented and eroded, that their controversial RMBs are completely meaningless. The trees simply aren't anywhere near the water. Who will fix this, if not the landowner? Is not allowing conditions such as these to persist a sort of take? Should not MAXXAM be obliged to replant these riparian zones as part of a Habitat Conservation Plan, instead of vague talk about "entry only for the purposes of enhancement" or proposing the outrageous plan of a positive take of 17- 23% of their marbled murrelet population?

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is it possible to consider the purchase of 7500 acres of Headwaters plus

Elk River land a mitigation for take projected in the HCP when this document makes it perfectly clear in its plans for "Covered Lands" and actual purchases made recently that it will spend much of the \$500 million buying up more of our watersheds and systematically devastating them?

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MAXXAM's trees are about 3% old growth or around 6000 acres. More than half of this is in the Mattole, which in turn is down to about 6-7% of the old growth present in the valley in 1945. MAXXAM owns the largest block of old growth we have. MAXXAM plans to cut it all, except for 685 acres;-most of it in the next four years. Why should a "Habitat Conservation Plan" be allowed to do this? What about habitat for old growth dependent species, seen or unseen? Do you think that the wildlife studies in the Plan are extremely sketchy? The Multi-Species Monitoring Program was a self-confessed flop. There weren't even any pit-traps in the Mattole, only in the Bear, in the Bear-Mattole WAA. We believe the Marbled Murrelet surveys described in the HCP are incomplete, as the area with the densest, most broad-limbed old growth, on the north and west sides of Taylor Peak on the main stem of the North Fork, was not studied. The only area in the Mattole for which surveys are described was "Stand A" on Long Ridge. The HCP present data that marbled murrelets were seen off our coast. Where do these birds nest? Can we merely accept the HCP's supposition that the weather is too wild for nesting on their property? What do you think of the harvesting of nest sites of birds such as the osprey, eagle (limited harvest) sharp-shinned hawk, goshawk, Northern Spotted Owl, Coopers hawk, and heron rookeries at the end of the nesting season? Do you believe that these, and other creatures such as the fisher and marten, can be constricted and choked onto the narrow bands of RMZ without affecting their numbers and survivability? Do you believe with Armand Gonzales that "the lack of presence of those species commonly found in late seral forest habitats.....may be an indicator that significant cumulative impacts have and are continuing to occur"? (DFG memo to CDF Nov. 4 1994) We do not have confidence in MAXXAM wildlife surveys. Jim Barrett, MAXXAM fisheries biologist, testified in Judge Patel's court last week that there were no Coho in Sulphur Creek, in contestation of the finding of a NMFS biologist, but admitted that he had spent less than an hour surveying! Statement in Volume 2 section H page 26 states that "fish population data for streams within the Bear-Mattole WAA are very limited", when in fact the data for the Mattole, gathered through almost two decades of work by the Mattole Restoration Council and The Mattole Salmon Support Group, is probably the most comprehensive of the WAAS delineated in the HCP. It was Maureen Roche of the MSG who developed the technique of diving for fish counts. It is merely that

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MAXXAM arrogantly does not want to recognize this data But its own map and data concerning salmonids is vague and inaccurate. Do you find it puzzling that MAXXAM has not yet conducted goshawk surveys, or that they plan to conduct them in the Mattole during the first five years of the plan, during which time they are concomitantly harvesting the majority of their old growth? In this context, is not the sentence on page 76 of volume 1 "Following the first five years of the ITP either a reduced survey regime will be implemented or a predictive habitat model produced to direct future surveys" somewhat sinister? How can the HCP justify the elimination of 16 of the 147 known Spotted Owl nests on their property? Is this not a violation of the Endangered Species Act?

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You have doubtless heard a great deal about MAXXAM's violations of the Forest Practices Act. In the Mattole THPs have almost invariably involved violations. Often they have been discovered by accident, so remote and inaccessible is the area. We can reasonably conjecture that there are many more of which no one or only MAXXAM is aware. However the effects of the vast 640 acre THP 349 of 1991 on Oil Creek were visible and palpable to all, including Ernie Rohl of CDF, and described as a "total disaster" by Supervisor Roger Rodoni at a Mattole Alliance meeting. The damage disturbed the livelihood of local rancher John Vevoda as well. In the HCP/SYP MAXXAM again confesses ignorance in regard to potential for adverse impacts. "With the exception of risk factors, data from this WAA are too limited to permit anything except preliminary conclusions about management impacts." (Volume 11 page 26 section H). Since those risk factors are determined by MAXXAM to be "moderate", we can predict more disaster. There is very little that is moderate about the Mattole. MAXXAM has failed to factor in risks for mass wasting of earthquakes (this area has the highest rate of seismic activity in the lower 48 states) torrential rainfalls (200 inches a year) and extremely steep slopes (up to and exceeding 100%). Cutting the trees on these steep slopes will expose them to ever-increasing instability as the roots of the great Doug firs rot away. Huge amounts of topsoil will slip away, making artificial regeneration a challenge.

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The Upper and Lower North Forks were once famous for their salmon runs. There exist tall tales about these runs. MAXXAM's bleak little buffers will render their restoration an impossibility and likely assure their destruction. As mentioned above the viability of the salmon runs which spawn upstream of MAXXAM's lands must pass through the estuary which is heavily impacted by sediment from the North Forks. Buffers need to meet

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FEMAT standards. Class 111 streams need protection: it has been found that more than 1/2 of all the species in an ecosystem inhabit Class 111's. Moreover, they are the headwaters for the larger streams. If they are not protected by canopy they will dry up sooner in the spring when the rains stop, and turn them into potential debris torrents and sources of mass wasting and landslides in the winter.

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We do not find that there is anything positive to be said about the terms of the HCP/SYP. We see it as a Habitat Extinction Plan, which is the same as a Species Extinction Plan. We do not even see the projected maintenance of jobs at current levels as positive, since the employees will be destroying their own habitat. MAXXAM can well afford to employ workers at standards of sustainable forestry and good stewardship. You are well aware of the increasing anxiety with which our society is beginning to contemplate the accelerating disappearance of the natural world. It is not healthy. I, as a health care practitioner, know this to be true. Please do not approve this HCP/SYP as written, but instead propose a good one, and set us back on the road to health.

Very Truly Yours,

Ellen Taylor
Ellen Taylor

cc: John Munn
C.D. F.
Sacramento Co.